

CLOSED,CV,PHV

**U.S. District Court
District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:11-cv-02178-PAM-JSM**

Kellogg v. Internal Revenue Service
Assigned to: Senior Judge Paul A. Magnuson
Referred to: Magistrate Judge Janie S. Mayeron
Cause: 05:552 Freedom of Information Act

Date Filed: 08/02/2011
Date Terminated: 07/16/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Frederick Bradley Kellogg**

represented by **Thomas E Brever**
Foster & Brever, PLLC
2812 Anthony Lane S Ste 200
St Anthony, MN 55418
612-436-3291
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ATTORNEY TO BE NOTICED

V.

Defendant**Internal Revenue Service**

represented by **Christopher D Belen**
U.S. Department of Justice, Tax Division
P O Box 227 Ben Franklin Station
Washington, DC 20044
202-307-2089
Email: Christopher.D.Belen@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/02/2011	<u>1</u>	COMPLAINT against Internal Revenue Service (Filing fee \$ 350 receipt number 4057333.) assigned to Judge Paul A. Magnuson per Master List referred to Magistrate Judge Janie S. Mayeron. Filed by Frederick Bradley Kellogg. (Attachments: # <u>1</u> Civil Cover Sheet) (MMP) Modified on 8/12/2011 QC'd by CLW. (Entered: 08/02/2011)
08/02/2011		Summons Issued as to Internal Revenue Service, U.S. Attorney and U.S. Attorney General (MMP) (Entered: 08/02/2011)
08/02/2011	<u>2</u>	SUMMONS Returned Executed by Frederick Bradley Kellogg. Internal Revenue Service served on 8/2/2011, answer due 8/23/2011. (Attachments: # <u>1</u> Affidavit of Service)(Brever, Thomas) Modified on 8/12/2011 QC'd by CLW. (Entered: 08/02/2011)
08/16/2011	<u>3</u>	EXHIBIT re <u>1</u> Complaint, <i>Exhibits 1, 2 and 3</i> by Frederick Bradley Kellogg. (Brever, Thomas) (Entered: 08/16/2011)
08/18/2011	<u>4</u>	MOTION for Admission Pro Hac Vice for Christopher D. Belen by Internal Revenue Service. (MMP) (Entered: 08/18/2011)
08/18/2011		TEXT ONLY ENTRY-ORDER granting <u>4</u> Motion for Admission of U.S. Government Attorney Christopher D Belen for Internal Revenue Service. Fee waived. Approved by Magistrate Judge Janie S. Mayeron on 08/18/2011. (MAP) (Entered: 08/19/2011)
08/19/2011	<u>5</u>	STIPULATION <i>For Order Setting the Internal Revenue Service's Deadline to Respond to the Complaint</i> by Internal Revenue Service, Frederick Bradley Kellogg. (Belen, Christopher) (Entered: 08/19/2011)

08/19/2011	<u>6</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Internal Revenue Service re <u>5</u> Stipulation (Belen, Christopher) (Entered: 08/19/2011)
08/22/2011	<u>7</u>	ORDER re <u>5</u> Stipulation; Internal Revenue Service answer due 10/3/2011. Signed by Magistrate Judge Janie S. Mayeron on 8/22/11. (LPH) (Entered: 08/22/2011)
10/03/2011	<u>8</u>	ORDER FOR PRETRIAL CONFERENCE A pretrial conference of trial counsel in the above matter will be held in chambers in Room 632, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota, on November 21, 2011 at 2:30 p.m. before United States Magistrate Judge Janie S. Mayeron. Signed by Magistrate Judge Janie S. Mayeron on 10/03/2011. (Attachments: # <u>1</u> Consent Form)(jz) (Entered: 10/03/2011)
10/03/2011	<u>9</u>	ANSWER to Complaint by Internal Revenue Service. (Belen, Christopher) (Entered: 10/03/2011)
10/03/2011	<u>10</u>	CERTIFICATE OF SERVICE by Internal Revenue Service re <u>9</u> Answer to Complaint (Belen, Christopher) (Entered: 10/03/2011)
10/05/2011	<u>11</u>	NOTICE OF RULE 16 PRETRIAL CONFERENCE: Pretrial Conference set for November 9, 2011 @ 9:50 AM in Judge's Chambers, Suite 734 (STP) before Judge Paul A. Magnuson. (smr) (Entered: 10/05/2011)
10/06/2011		***TEXT ONLY***NOTICE Canceling the Rule 16 Pretrial Conference scheduled for November 9, 2011 (Doc.#11). This notice was filed in error. The parties shall go forward with the Pretrial Conference scheduled before Magistrate Judge Mayeron on November 21, 2011 @ 2:30 p.m. (smr) (Entered: 10/06/2011)
11/03/2011	<u>12</u>	REPORT of Rule 26(f) Planning Meeting by Frederick Bradley Kellogg and Internal Revenue Service.(Brever, Thomas) Modified filers on 11/3/2011 (jam). (Entered: 11/03/2011)
12/22/2011	<u>13</u>	PRETRIAL SCHEDULING ORDER: This case shall be conducted in two phases. First, the defendant shall produce to plaintiff documents sought by plaintiff's Freedom of Information Act request and the Vaughn Index. Second, the parties and Court shall confer to set the balance of the schedule for this case. A second Pretrial Conference is set for 3/15/2012 01:00 PM in Judge's Chambers, Suite 632 (STP) before Magistrate Judge Janie S. Mayeron. Signed by Magistrate Judge Janie S. Mayeron on 12/22/2011. (JME) (Entered: 12/22/2011)
03/14/2012	<u>14</u>	DISCLOSURES by Frederick Bradley Kellogg. (Attachments: # <u>1</u> Certificate of Service)(Brever, Thomas) (Entered: 03/14/2012)
03/15/2012	<u>15</u>	Minute Entry for proceedings held before Magistrate Judge Janie S. Mayeron: Second Pretrial Conference held on 3/15/2012. Amended Pretrial Scheduling Order to be issued. (jam) (Entered: 03/15/2012)
03/15/2012	<u>16</u>	AMENDED PRETRIAL SCHEDULING ORDER: Motions (disp) due by 5/1/2012. Signed by Magistrate Judge Janie S. Mayeron on 3/15/12. (jam) (Entered: 03/15/2012)
05/01/2012	<u>17</u>	MOTION for Summary Judgment by Internal Revenue Service. (Belen, Christopher) (Entered: 05/01/2012)
05/01/2012	<u>18</u>	NOTICE OF HEARING ON MOTION <u>17</u> MOTION for Summary Judgment : Motion Hearing set for 7/11/2012 02:00 PM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Belen, Christopher) (Entered: 05/01/2012)
05/01/2012	<u>19</u>	MEMORANDUM in Support re <u>17</u> MOTION for Summary Judgment filed by Internal Revenue Service. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Belen, Christopher) (Entered: 05/01/2012)
05/01/2012	<u>20</u>	Declaration of A M Gulas in Support of <u>17</u> MOTION for Summary Judgment filed by Internal Revenue Service. (Attachments: # <u>1</u> Exhibit(s) A – Exemption List (Feb. 13))(Belen, Christopher) (Entered: 05/01/2012)
05/01/2012	<u>21</u>	Declaration of Barry Untinen in Support of <u>17</u> MOTION for Summary Judgment filed by Internal Revenue Service. (Belen, Christopher) (Entered: 05/01/2012)

05/01/2012	<u>22</u>	Declaration of Christopher D. Belen in Support of <u>17</u> MOTION for Summary Judgment filed by Internal Revenue Service. (Attachments: # <u>1</u> Exhibit(s) B – January 5, 2012 Letter From Plaintiff's Counsel)(Belen, Christopher) (Entered: 05/01/2012)
05/01/2012	<u>23</u>	CERTIFICATE OF SERVICE by Internal Revenue Service re <u>17</u> MOTION for Summary Judgment , <u>22</u> Declaration in Support, <u>19</u> Memorandum in Support of Motion, <u>21</u> Declaration in Support, <u>18</u> Notice of Hearing on Motion, <u>20</u> Declaration in Support (Belen, Christopher) (Entered: 05/01/2012)
05/01/2012	<u>24</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Internal Revenue Service re <u>17</u> MOTION for Summary Judgment (Belen, Christopher) (Entered: 05/01/2012)
05/16/2012	<u>25</u>	OBJECTION re <u>17</u> MOTION for Summary Judgment filed by Frederick Bradley Kellogg. (Attachments: # <u>1</u> Certificate of Service)(Brever, Thomas) (Entered: 05/16/2012)
06/15/2012	<u>26</u>	REPLY to Response to Motion re <u>17</u> MOTION for Summary Judgment filed by Internal Revenue Service. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Belen, Christopher) (Entered: 06/15/2012)
06/15/2012	<u>27</u>	AMENDED NOTICE of Hearing on Motion: <u>17</u> MOTION for Summary Judgment : Motion Hearing set for 7/11/2012 02:00 PM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Belen, Christopher) (Entered: 06/15/2012)
06/15/2012	<u>28</u>	CERTIFICATE OF SERVICE by Internal Revenue Service re <u>27</u> Amended Notice of Hearing on Motion, <u>26</u> Reply to Response to Motion (Belen, Christopher) (Entered: 06/15/2012)
07/11/2012		***TEXT ONLY***Minute Entry for proceedings held before Senior Judge Paul A. Magnuson: Motion Hearing held on 7/11/2012 re <u>17</u> MOTION for Summary Judgment filed by Internal Revenue Service, argued, taken under advisement. (Court Reporter Ron Moen) (smr) Modified text on 7/12/2012 (TSS). (Entered: 07/12/2012)
07/16/2012	<u>29</u>	Memorandum and Order Granting the Government's Motion for Summary Judgment <u>17</u> and Dismissing this matter. LET JUDGMENT BE ENTERED ACCORDINGLY. Signed by The Honorable Paul A. Magnuson on 07/12/2012. (LLM) (Entered: 07/16/2012)
07/16/2012	<u>30</u>	JUDGMENT (Attachments: # <u>1</u> Civil–8th Circuit Pre–Hearing Conference Notice, # <u>2</u> Civil Notice – appeal)(jam) (Entered: 07/16/2012)